

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.398 of 2018 and
Crl.M.P.No.4821 of 2018

1.L.Vishwanathan

2.Lakshmi

... Petitioners/Appellants/Respondents

Vs.

P.Kanchana

... Respondent/Respondent/Complainant

PRAYER : The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the judgment rendered by the Hon'ble VI Additional Session City Civil Court, Chennai in Crl.A.No.57/18 dated 06.03.2018, confirming the judgment passed by the Hon'ble Addl. Mahila Court, Metropolitan Magistrate, Allikulam Complex, Egmore, Chennai in D.V.Case No.79/2016 (C.C.No.2208/2012) dated 18.12.2017.

For Petitioners : Mr.A.G.Rajan

For Respondent : Mr.N.Kishore Kumar

O R D E R

The present revision case has been filed against the judgment rendered by the Hon'ble VI Additional Session City Civil Court, Chennai in Crl.A.No.57 of 2018 dated 06.03.2018, confirming the judgment passed by the Hon'ble Addl. Mahila Court, Metropolitan Magistrate, Allikulam Complex, Egmore, Chennai in D.V.Case No.79/2016 (C.C.No.2208/2012) dated 18.12.2017.

2. When the matter is taken up for hearing, the learned counsel appearing for both parties would submit that the parties have arrived at compromise and filed a joint memo dated 23.11.2018 and would request this Court to dispose of the present criminal revision case in terms of the joint memo which is taken on record. The contents of the joint memo filed by the parties are extracted below:-

"MEMO TO RECORD SETTLEMENT

The petitioners and respondent submits that they have reached a settlement as detailed hereunder:

1. The first petitioner and respondent have agreed for mutual divorce and they are filing petition for mutual divorce simultaneously along in the Family Court at Chennai.

2. The first petitioner will pay Rs.8,10,000/- (Rupees Eight Lakhs and Ten Thousand only) in full quit as stated hereunder to the respondent as lump sum payment towards permanent alimony,

(i) The first petitioner has paid today, on the date of filing of this petition as sum of Rs.5,00,000/- (Rupees Five Lakhs only) by way of two demand drafts bearing Nos.(1) 112725 for Rs.4,00,000/- dated 14.11.2018 drawn on Indian Bank, Triplicane Branch and (2) 770408 dated 22.11.2018 for Rs.1,00,000/- drawn on Indian Overseas Bank, Triplicane Branch to the respondent.

(ii) The second petitioner shall withdraw the sum of Rs.2,00,000/- (Rupees Two Lakhs only) already deposited to the Account of D.V.Case No.79 of 2016 as per conditional order passed by this Hon'ble High Court in M.P.No.1 of 2018 in Crl.R.C.No.398 of 2018 and the first petitioner gives his consent to the respondent to withdraw the sum of Rs.2,00,000/- (Rupees Two lakhs only).

(iii) The remaining amount of Rs.1,10,000/- (Rupees One lakh and Ten Thousand only) shall be paid by the first petitioner to the respondent by way of cash on the date of recording of evidence in mutual divorce petition.

(iv) All the Articles of the respondent has been returned today, the date of filing of this petition.

3.The petitioners did not claim any articles from the respondent and they given an undertaking that, will not claim any articles in future from the respondent.

3. In view of the compromise arrived at between the parties, no further orders are necessary in this revision case. Therefore, the revision case is disposed of on the above terms.

4. This Court, at the time of admission, has directed the petitioners to pay a sum of Rs.2,00,000/- to the credit of D.V.C.No.79 of 2016 on the file of the learned Metropolitan Magistrate, Additional Mahila Court, Allikulam, Egmore, Chennai-3. Since the present revision case is disposed of by memo of compromise, the deposit of Rs.2,00,000/- lying in the credit of the above mentioned Court, is directed to be paid to the respondent, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

gsk
To

1. The learned VI Additional Sessions Judge,
City Civil Court,
Chennai.

2. The learned Metropolitan Magistrate,
Additional Mahila Court,
Allikulam Complex,
Egmore, Chennai.

+1 CC to Mr.A.G.Rajan, Advocate sr 80860.
+1 CC to Mr.N.Kishore Kumar, Advocate sr 79888.

Cr1.R.C.No.398 of 2018 and
Cr1.M.P.No.4821 of 2018

RSK (CO)
SP(27/11/2018)